

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ANDREW HOWARD BRANNAN,

Plaintiff,

v.

Commissioner BRIAN OWENS, *et al.*,

Defendants.

CIVIL ACTION NO. 5:13-CV-454 (MTT)

ORDER

Before the Court is United States Magistrate Judge Stephen Hyles's Recommendation to grant Defendants Rowles and Thorneloe's motion to dismiss (Doc. 38) and to dismiss the action as a whole pursuant to Fed. R. Civ. P. 25(a)(1)¹ because no motion for substitution was made within 90 days after service of the suggestion of death. (Doc. 39). No objection to the Recommendation has been filed. Because no motion for substitution has been made, the Court agrees the case must be dismissed. The Court has reviewed the Recommendation, and the Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the case is **DISMISSED**.²

SO ORDERED, this 17th day of June, 2015.

S/ Marc T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT COURT

¹ Rule 25(a)(1) provides:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

² The pending Recommendation and the motions to dismiss, which the pending Recommendation regards, are moot. (Docs. 18, 21, 30).